

REMARKS

Responsive to the Office Action mailed December 10, 2008, Applicants provide the following. Claims 1-5, 7-11, 15, 17-19 and 21 are amended. New claims 22-23 are added. Claim 20 is currently cancelled and claims 12-13 were previously cancelled. Therefore, twenty (20) claims remain pending in the application: Claims 1-11, 14-19 and 21-23. Reconsideration of claims 1-11, 14-19 and 21 in view of the amendments and remarks below and consideration of claims 22-23 is respectfully requested.

Initially, Applicants acknowledge with appreciation the Examiner's willingness to take part in the telephonic interview on March 9, 2009.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §103

1. Claims 1-11 and 14-21 stand rejected under 35 U.S.C. § 103 (a), as being unpatentable over U.S. Patent No. 6,141,003 (Chor et al.) in view of U.S. Patent No. 6,336,053 (Beatty). Applicants respectfully traverse these rejections and submit that claims 1-11 and 14-21 are patentable over the applied combination because one skilled in the art would not combine Beatty with Chor, and further, the applied combination of Chor and Beatty fails to teach all of the limitations as recited in at least independent claims 1 and 11.

1A. The applied combination does not teach each limitation of at least independent claims 1 and 11. The office action admits that Chor does not describe a remove icon, and thus, cannot teach or suggest replacing an add icon with a remove icon. Instead, the office action relies on Beatty suggesting that Beatty describes

replacing an add icon with a remove icon. However, Beatty does not teach or suggest a menu that is altered to replace an add icon with a remove icon in response to determining whether a channel is currently stored. Instead, Beatty describes two different and distinct screens, and does not describe or suggest replacing an add icon with a remove icon.

Specifically, Beatty does not teach a remove icon in place of an add icon. The office action cites Figure 11, item number 1028 and col. 27, lines 15-30 of Beatty in attempts to show a remove icon in place of an add icon. However, Beatty and the cited portion of Beatty does not describe or suggest replacing an add icon with a delete icon. Instead, the Beatty reference only describes multiple different and distinct screens where one of the screens, the “machine login screen” of Figure 14, has both an “ADD button” 1022 and a “Delete button” (see Beatty, FIG. 14, and col. 27, lns. 5-30), and a distinct and different screen, the “containers screen” of Figure 11 that is not related to and provides different functionality than the “machine login screen,” has an “ADD button” 1022 and a “RETIRE button” 1028. Therefore, Beatty always includes the ADD button 1022 and never describes or suggests replacing the Add button.

Furthermore, the portion of Beatty cited by the office action, i.e., col. 27, lns. 15-30, in attempts to support the assertion of a remove icon in place of an add icon, describes the “machine login screen” of Figure 14, while Figure 11 also referenced by the office action is a distinct and different screen of a “containers screen 1000.” These two different menus are not related or associated. There is no relationship with respect to the listings available through the “machine login screen” and the different “container screen.” Beatty does not teach or suggest replacing the “Delete” button of the “container screen” with a “Retire” button, or replacing the “Retire” button of the “machine login screen” with a “Delete” button. Instead, Beatty at col. 27, lines 21-24 references Figure 11 in describing the screen of Figure 14 only for the sake of simplifying the description of the screen of Figure 14. As such, the Beatty reference does not describe at least “a remove icon in place of an add icon” as claimed, the office action admits that Chor does

not teach the replacement of an icon, and therefore, the applied combination does not teach all of the limitations as claimed.

Neither Beatty nor Chor teach or suggest “displaying a remove icon in place of the add icon where the remove icon is selectable to remove the channel associated with the show currently being displayed from said memory when the current channel is stored in said memory” as recited, for example, in claim 1. The office action specifically admits that the Chor patent does not teach a remove icon and further does not teach “a remove icon in place of the add icon ...” (see at least Office Action, pg. 3). Further Beatty does not describe or suggest “a remove icon in place of the add icon,” and further does not teach “displaying a remove icon ... when the current channel is stored in said memory” as recited for example in claim 1. Instead, Beatty only describes two different and distinct interfaces, and describes the buttons on the interface. Beatty never describes or suggests replacing in a menu an add icon with a delete icon. The office action instead broadens the description of Beatty beyond what it actually describes or even suggests based on the knowledge provided by Applicants’ claimed invention.

As such, the combination of the references does not describe or suggest each element in at least claim 1, and therefore, a *prima facie* case of obviousness has not been established with regard to at least independent claims 1 and 11.

1B. Applicants respectfully submit that one skilled in the art would not consider Beatty in view of Chor, and further, one skilled in the art would not combine Chor with Beatty. Specifically, Chor is directed to a channel bar for use in an entertainment system that provides television channel information. Beatty is completely unrelated to entertainment systems or providing information about television content. Instead, Beatty is used in controlling operations in a factory. One skilled in the art of electronic programming guides or entertainment systems would not reference or consider Beatty. Beatty is completely unassociated with the channel bar described in

Chor and has no relation to entertainment systems or providing television channel information. Therefore, Beatty is non-analogous art and one skilled in the art would not consider Beatty in relation to Chor.

Further, Applicants respectfully submit that the office action does not provide a reason why one skilled in the art would consider Beatty in view of Chor.

Therefore, Applicants respectfully submit that one skilled in the art would not combine Chor with Beatty, and thus, the proposed rejections are not valid in that the claimed subject matter is not obvious in view of the applied references.

Furthermore, Applicants respectfully submit that one skilled in the art would not alter the Chor patent to replace the add icon with a remove icon and Chor fails to suggest replacing an add icon with a remove icon. Instead, Chor already describes alternative methods for removing entries in the list, and thus, it would not be obvious to alter Chor to replace the add icon with the remove icon.

Further still, the office action suggests that one skilled in the art would modify Chor to replace the add icon with a remove icon suggesting that “it is well established that a user will make a mistake and/or change his/her mind and no longer want to save a channel or watch a program, therefore replace an ‘add’ icon with a ‘remove’ icon is obvious...” (office action, pg. 4). It may be established, *arguendo*, to remove a channel from a favorites list. However, it is not obvious at least in view of Chor to replace an add icon with a remove icon. Instead, Chor specifically describes an alternative why to remove an entry from the favorites list. Therefore, there is no reason, one skilled in the art would not alter Chor, and it would not be obvious to alter Chor to replace the add icon with a remove icon because Chor already provides a method of removing an entry and does not teach or suggest replacing an add icon with a remove icon. Only through the knowledge provided by Applicants’ claimed invention would such a modification be understood and appreciated by one skilled in the art. The Examiner has applied impermissible hindsight in suggesting that the benefits provided by the claimed invention would be obvious even though Chor already provides a method

for removing favorites without replacing the add icon. Therefore, it is not obvious to alter Chor to replace an add icon with a remove icon, and thus, claims 1-11 and 14-22 are patentable over the suggested combination.

1C. Claims 2-10, 14-19, 21-23 depend from one of claims 1 and 11, respectively. Therefore, claims 2-10, 14-19, 21-23 are also not obvious due at least to their dependency claims 1 and 11.

Support for the amendments to claims 2-5, 7-11, 17-19 and 21 are found throughout the application as filed. For example, support for amendments to claims 3, 7, 9, 10, and 17 can be found at least at page 8, lines 15-23 and page 14, lines 17-24. Support for claims 5 and 17 can be found in claims 17-20 as filed, as well as at least page 10, lines 1-13. Further support for the amendments of claim 9 can be found at page 14, lines 13-16, and further support for the amendments of claim 10 can be found at page 9, lines 4-10. Additional support for the amendments to claims 21-23 can be found, for example, at page 13, lines 19-24. Therefore, no new matter has been added by the amendments.

1D. Applicants further respectfully submit that the office action has again failed to address Applicants prior arguments relative to dependent claims 18-19. There is no discussion or response to Applicants prior arguments regarding the allowability of claims 18-19 over Chor. Instead, the office action again recited the exact same grounds as were previously presented in the last seven (7) office actions. There is no discussion in the subject office action or prior office actions regarding Applicants arguments regarding the grounds for rejecting claims 18-19.

MPEP Section 707.07(f), entitled "Answer All Material Traversed," specifically states:

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

The last six (6) consecutive office actions have continued to maintain the rejections without reference to Applicants arguments. The subject office action again failed to provide an answer or note Applicants arguments. Therefore, Applicants respectfully submit that at least claims 18 and 19 are patentable over the applied combination of Chor and Beatty.

1E. Claim 5 and 17 are patentable over the applied combination. Some of the limitations of claim 18 have been incorporated into amended claim 17. Chor and Beatty do not teach or describe at least a second screen menu that comprises a graphical portion that displays a show corresponding to a channel in said list or "instruction comprises a string of textual data explaining an action to be performed by a user to display the channel depicted in the graphical portion" as recited in claim 17. The office action cites to button icons displayed in various figures of Chor. However, these icon buttons cannot be equated to the claimed instructions. Further, the channel bar described in Chor does not have a graphical portion and thus cannot teach or suggest instructions displayed over the graphical portion.

Furthermore, neither Chor nor Beatty teach or suggest a second menu superimposed over the playback of the programming data associated with the channel currently being displayed, and additionally do not teach or suggest instruction displayed in the graphical portion and superimposed over the show displayed in the graphical portion, with the instruction defining how to display the channel depicted in the graphical portion. Again, the office action only cites to icon buttons. These are not instructions or instructions defining how to display the channel depicted in the graphical portion.

Additionally, the channel bar of Chor does not describe the graphical portion as claimed, and thus, cannot teach instructions displayed over the graphical portion.

Further still, the office action generally asserts that it would be obvious to display instructions defining how to display the channel depicted in the graphical portion without any further support to demonstrate why or how it is obvious. Applicants have demonstrated that Chor does not describe the second menu with a graphical portion as claimed, and further demonstrated that Chor does not describe instructions as claimed. Therefore, Chor does not teach and it would not be obvious to modify Chor as claimed.

In addition, the office action suggests that it would be obvious “to direct or inform the user to performing other operations” (office action, pg. 8). Applicants respectfully submit, however, that the office action cites Applicants’ claim language to support the reasoning for the proposed modification. As such, impermissible hindsight is applied based on the information provided by the subject application. Therefore, Applicants respectfully request that the rejection be withdrawn.

Therefore, Applicants respectfully submit that claim 17 is patentable over the applied combination.

1F. Regarding at least claim 18, Applicants respectfully submit that Chor fails to teach or describe at least the “list of channels being scrollable, and said graphical portion displays a show corresponding to one of the channels in said list during scrolling” as recited by claim 18. There is no teaching or suggestion in Chor to display a screen menu with a scrollable listing of channels and a graphical portion displaying shows corresponding to the channels during scrolling. Instead, Chor requires the user to click upon the icon currently having focus (or other similar action such as a keystroke) in order to view the show corresponding to the channel stored in memory (Chor, col. 8, lines 39-67).

The office action only generally rejects claims 17-20 citing col. 6, line 32 – col. 7, line 21, col. 8, line 39 – col. 9, line 21 and line 46 – col. 10, line 24. The office action makes no specific mention of claim 18. The portions of Chor cited by the office action **do not** describe a second menu having both the graphical portion and scrollable list with the graphical portion displaying a show corresponding to a channel in the list. Therefore, Applicants submit that at least claim 18 is patentable over the applied combination of Chor and Beatty.

1G. Regarding at least claim 19, Applicants respectfully submit that Chor fails to teach or describe at least the secondary menu further comprising a text portion including a description of the show corresponding to the channel in the list of channels stored in memory as recited by claim 19. The channel bars displaying the stored channels described by Chor are a set of linearly arranged selectable icons associated with a particular stored channel (Chor, col. 2, lines 39-41 and 48-50). The channel bars described in Chor do not comprise a text portion providing a program description for the show corresponding to a channel stored in memory. At best, Chor describes a banner for displaying program information (Chor col. 5, lines 40-55) as part of the full channel bar user interface. This banner displays the program information for the “presently selected channel” (Chor, col. 2, lines 22-32) that the user has selected for viewing. However, Chor does not describe using the banner to display a description of a show corresponding to a channel stored in memory while scrolling through the list of channels in memory as recited in claim 19. Therefore, Chor does not describe at least each element of claim 19.

1H. Claim 21 is also patentable over the cited combination of Chor and Beatty. Neither Chor nor Beatty teach or suggest at least a second screen menu that, when displayed, is superimposed over the playback of the programming data associated with the channel currently being displayed.

II. At least amended claim 15 is also patentable over Chor, Beatty and/or their combination. Support for the amendments to claim 15 can be found at least at page 10, line 14 – page 14, line 16.

Applicants respectfully submit that, Chor, Beatty and their combination do not teach or suggest at least an integrated receiver decoder that comprises an amplification circuitry; a demodulator; a main logic block; a transceiver device; a remote command unit interface; an extension bus that couple with and provides a communication path between at least the main logic block and each of the transceiver device and the remote command unit interface; and a memory; wherein the remote command unit interface receive at least a first command from a remote control device and transfers a first interrupt request signal, corresponding to the first command, to the central processing unit such that the central processing unit, in response to receiving the first interrupt, executes interrupt software contained in one of the memory and the second memory to implement storing, into the memory, the programming data associated with the channel currently being displayed to add the current channel to the list of channels stored in said memory.

Therefore, at least claim 15 is patentable over Chor and Beatty.

New Claim

2. Newly submitted claims 22-23 are believed to be allowable because they are directed to that which is not shown or suggested in the applied combination of Chor and Beatty.

Support for new claim 22 can be found at least at page 15, line 15 – page 16, line 13. Support for new claim 23 can be found at least at page 13, lines 19-24.

Neither Chor nor Beatty, or their combination teach or suggest all of the limitations as recited in claim 22. Specifically, Chor, Beatty and their combination do not teach or suggest at least that the instruction comprises “the string of textual data

explaining a series of actions to be performed by a user to display the channel depicted in the graphical portion” as recited in claim 22. Therefore, claim 22 is patentable over Chor, Beatty and/or their combination.

Similarly, the applied references do not teach at least a second menu that “comprises displaying the second menu superimposed over the playback of the programming data associated with the channel currently being displayed and where the instruction comprises a string of textual data explaining a series of actions to be performed by a user to display the channel depicted in the graphical portion.” Therefore, claim 23 is also patentable over Chor, Beatty and their combination.

CONCLUSION

Applicants submit that the above remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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